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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Humberto LEVYA-Romero,
Aka: Humberto LEYVA-Romero

Defendant

Magistrate Docket No. 07 MJ 2774

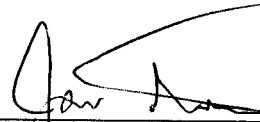
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

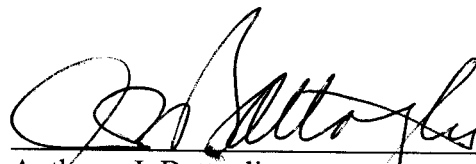
On or about **November 27, 2007** within the Southern District of California, defendant, **Humberto LEVYA-Romero(Aka: Humberto LEYVA-Romero)**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29th DAY OF NOVEMBER
2007



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Humberto LEVYA-Romero****Aka: Humberto LEYVA-Romero****PROBABLE CAUSE STATEMENT**

On September 27, 2007 Supervisory Border Patrol Agent G. Durazo was performing his assigned duties in the Campo, California area of responsibility. Agent Durazo responded to scope and sensor activity approximately ten miles east of the Tecate, California port of entry, less than one mile north of the United States/Mexico international border. Agent Durazo encountered five individuals walking in a northerly direction. Upon encountering the five subjects, Agent Durazo immediately identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status, including one later identified as the defendant **Humberto LEVYA-Romero**. All subjects freely admitted to Agent Durazo to being citizens and nationals of Mexico without the proper documents to enter or remain in the United States legally. At approximately 6:00 p.m. all subjects including the defendant, were arrested and transported to the Border Patrol Station in Campo, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 4, 2007** through **Tecate, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.